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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/596,361	08/24/2006	Bertrand Kraft	P30094	5657
7055 7590 06/03/2009 GREENBLUM & BERNSTEIN, P.L.C. 1950 ROLAND CLARKE PLACE RESTON, VA 20191				
EXAMINER VANAMAN, FRANK BENNETT				
ART UNIT 3618		PAPER NUMBER		
NOTIFICATION DATE 06/03/2009		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/596,361

Applicant(s)

KRAFTT, BERTRAND

Examiner

Frank B. Vanaman

Art Unit

3618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14-30 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 14-30 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/55/08)
Paper No(s)/Mail Date 8/24/06
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____

Status of Application

1. Applicant's preliminary amendment is acknowledged. Claims 1-13 have been canceled, claims 14-30 are now pending.

Priority

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 112

3. Claims 15-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 15, line 3, "said foam core" lacks a clear antecedent basis - from the context it appears as though the recitation should be directed to the "foam core" recited on the previous line.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claim 15 is rejected under 35 U.S.C. 102(b) as being anticipated by Knipp et al. (FR 2,622,810, cited by applicant). Knipp et al. teach a board portion including a rigid foam core ("mousses dures") and a method for making the core, the core being thermoplastic (i.e., deformable upon heating), the core being cut as a perform from a single-piece block (and thus understood to have no initial discontinuities) and pressed in a thermoforming process to obtain a desired thickness and shape, wherein the resulting core density is variable along the ski (corresponding to the creation of regions of

different densities), the density being conversely proportional to the final (pressed) thickness, based on the initial use of a foam element of uniform thickness (see Applicant's analysis of the reference at specification paragraph 0011).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 19-23 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knipp et al. (cited above). The reference to Knipp et al. is discussed above. As regards claim 19, the reference fails to specifically teach that the core is covered with a skin. The use of an outer skin to cover a gliding board core is notoriously old and well known, and as such, it would have been obvious to one of ordinary skill in the art at the time of the invention to cover the gliding board core taught by Knipp et al. with an outer skin element for the purpose of protecting the core from damage and/or facilitating the application of a decorative covering.

As regards claim 23, the reference to Knipp et al. fails to teach a specific compression resulting in a density increase of at least 20 percent. Initially, the process taught by Knipp et al. would result in either no change in density (i.e., no compression) or an increase in density (in regions where the foam core is compressed), and as such, locations on the core where the density is changed would comprise locations where the density is increased. As such, the condition associated with a change in density is a condition of increasing density, the reference being silent as to the degree of increase. To adjust a specific degree of a broadly taught condition is understood to be within the skill of the ordinary practitioner, and it would have been obvious to one of ordinary skill in the art at the time of the invention to compress the core in at least an area thereof to result in an increase in density of at least 20 percent for the purpose of either

strengthening the material at that area and/or compressing the material to have a desired lesser thickness than the initial material.

As regards claim 26, it is well known in the gliding board arts to provide resulting boards with variable thickness, for example to provide a top surface of the board with a desired shape or profile, including at least an area which is higher or thicker than surrounding areas. It would have been obvious to one of ordinary skill in the art at the time of the invention to use the forming process to construct a core having at least one portion of greater thickness and/or height than surrounding portions, for example to shape the core to a desired non-uniform shape or profile. In that the greatest thickness available would be associated with the core in an uncompressed state, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the thickest region by not compressing the core at that region, thus allowing the greatest range of densities and/or minimizing the board weight by not utilizing a thicker core than is necessary to form the thickest portion of the final board.

8. Claims 14, 16, 17, 18, 25 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knipp et al. in view of "Solviche Serge" (FR 2,828,110, hereafter "FR '110"). Initially, as regards claim 14 and the provision of a skin element, the use of an outer skin to cover a gliding board core is notoriously old and well known, and as such, it would have been obvious to one of ordinary skill in the art at the time of the invention to cover the gliding board core taught by Knipp et al. with an outer skin element for the purpose of protecting the core from damage and/or facilitating the application of a decorative covering.

The reference to Knipp et al. fails to explicitly teach that the resulting product or the application of the method results in a core region which is both denser and thicker than at least one other area. As regards the properties of the foam core, the relationship between an initial thickness, degree of compression and resulting density results in a predictable performance (i.e. for a given thickness, a given degree of compression yields a predictable increased density). Further, the FR '110 reference teaches that it is well known to provide a gliding board (see figures 8, 9, 10) which has been provided with a central region, proximate which binding elements are well

established as being desirably attached, of increased density but essentially the same thickness as the end regions by the use of a greater amount of material. As such, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the ski core taught by Knipp et al. with a central region of increased density as taught by the FR '110 document, for the purpose of providing an improved force transfer from a user's feet, or for strengthening the board locally to accept binding mountings. As regards the creation of areas of greater thickness, it is well known in the gliding board arts to provide a gliding board with a mounting region for the bindings which is elevated from the remainder of the board. As such, it would have been obvious to one of ordinary skill in the art at the time of the invention to make the region of increased density additionally thicker than surrounding board portions to provide an in-built riser for the binding mount. In that the relationship between an initial material thickness, degree of compression and resulting density delivers a predictable result, the provision of a greater amount of material in the region which is desired to be both raised and of higher density than the material needed to deliver solely higher density at the same thickness would be required.

As regards claim 18, inasmuch as the accommodation of bindings on a snowboard is well known to involve two bindings longitudinally spaced on the board, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide two regions of higher density and/or greater thickness so as to accommodate the commonly-used pair of bindings.

9. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Knipp et al. in view of Zanco et al. (US 6,113,126). The reference to Knipp et al. fails to teach the specific forming of a peripheral region of higher density. Zanco et al. teach that in analogous gliding board structures it is well known to provide along at least a partial periphery of the board, a region which includes elements specifically identified as serving as reinforcements of the board (8, 9, 14, 15, see, for example col. 3, lines 54-55, 60-63). Inasmuch as the thermoforming process is well understood to have utility in providing regions of increased density, and inasmuch as Zanco et al. teach that a desirable gliding board structure includes at least partial peripheral reinforcements, it

would have been obvious to one of ordinary skill in the art at the time of the invention to provide a peripheral zone of the core taught by Knipp et al. with a reinforced region, for example a region having greater density than other regions on the core, so as to beneficially reinforce the gliding board structure.

10. Claims 28-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knipp et al. in view of Engelbert et al. (US 5,197,752). The reference to Knipp et al. fails to teach that the core formed constitutes a structure which may form a housing which can accept an insert, wherein the insert is subsequently positioned in the core, and wherein the thermoforming process employs the insert. Engelbert et al. teach that it is well known in a gliding board to provide the board as a housing which may accept an insert (7, 8, 9, 10) which is placed in a recess (6) formed in the construction of the board (see col. 1, lines 38-47). Initially, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the core as taught by Knipp et al. as a housing capable of receiving an insert such as taught by Engelbert et al. and placing the insert in the core for the purpose of facilitating the usefulness of the core in accommodating a binding. While Engelbert et al. is not specifically directed to using the insert as a tool to create the recess, it is well known that the molding of a recess is achieved by providing an appropriately-shaped feature on the mold which will create the desired recess shape. In that the provision of the insert such as taught by Engelbert et al. would require that it be placed in a recess, and in that it is well known to use an element of the appropriate shape in a mold to create a recess, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the insert as a portion of the mold so as to ensure that the recess is matingly shaped to the insert which it will accommodate.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Broadhurst (US 4,660,490), Meatto (US 5,141,243), Peart et al. (US 5,716,562), Carlson (US 6,189,899), Zanco (US 6,237,932), Menges (US 6,494,467) and Chen (US 6,749,782) teach devices and arrangements of pertinence.

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12. Any inquiry specifically concerning this communication or earlier communications from the examiner should be directed to F. Vanaman whose telephone number is 571-272-6701.

Any inquiries of a general nature or relating to the status of this application may be made through either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A response to this action should be mailed to:

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